

REMARKS/ARGUMENTS:

Claims 5, 11, 13, and 16 are canceled without prejudice. Claims 6 and 12 are amended. Claims 1-4, 6-10, 12, 14, 15, 17, and 18 are pending in the application. Reexamination and reconsideration of the application, as amended, are respectfully requested.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103:

Claims 1-4, 6-10, 12, 14, 15, 17, and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shi (U.S. Patent No. 6,320,855) and further in view of Andrus et al. (U.S. Patent Application Publication No. 2003/0203735). Applicant respectfully traverses this rejection. Claim 1 is as follows:

A wireless communication terminal comprising:

a measurement section that measures quality of a signal transmitted from a base station;

a determination section that determines whether or not handoff is to be performed based on a measurement result of the measurement section and a criterion of the determination of the handoff; and

a handoff section that performs the handoff based on a determination result of the determination section,

wherein the determination section determines whether the handoff section has performed a predetermined repetition pattern of handoffs, and changes the criterion of the determination of the handoff if it is determined that the handoff section has performed the predetermined repetition pattern of handoffs.

Applicant respectfully submits that the cited references cannot render claim 1 obvious, because the cited references fail to teach or suggest either "wherein the determination section determines whether the handoff section has performed a

predetermined repetition pattern of handoffs” or “changes the criterion of the determination of the handoff.”

The Office acknowledges that Shi fails to disclose the limitation “wherein the determination section determines whether the handoff section has performed a predetermined repetition pattern of handoffs.” In addition, Shi similarly fails to disclose the limitation “changes the criterion of the determination of the handoff.”

As noted by the Office at p. 4, line 27-p. 5, line 4 of the Office Action, Andrus avoids repeating a pattern continuously. However, Applicant submits that, in order to avoid repeating a pattern continuously, Andrus measures the quality of the assigned channel, to which it will ultimately connect, rather than the default channel in determining the neighbor access point for handoff (see e.g., Andrus, paragraph [0027]). Therefore, the teaching of Andrus is completely unrelated to the limitation “wherein the determination section determines whether the handoff section has performed a predetermined repetition pattern of handoffs.” Furthermore, Andrus fails to disclose the limitation “changes the criterion of the determination of the handoff.”

In light of the foregoing, Applicant respectfully submits that the cited references cannot render claim 1 obvious, because the cited references fail to teach or suggest each and every claim limitation. Claims 2-4, 6, and 14 depend from claim 1 and cannot be rendered obvious for at least the same reasons as claim 1. Withdrawal of this rejection is thus respectfully requested.

Claims 7-10, 12, and 15 similarly require “determining whether the handoff section has performed a predetermined repetition pattern of handoffs” and “changing the criterion of the determination of the handoff”; and therefore, cannot be rendered obvious for reasons discussed above. Independent claims 17 and 18 likewise require similar limitations; and therefore, cannot be rendered obvious for

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reasons discussed above. Withdrawal of this rejection is thus respectfully requested.

Claims 5 and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shi and further in view of Rajkotia et al. (U.S. Patent Application Publication No. 2004/0121774). This rejection is moot due to the cancellation of these claims.

Claims 13 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shi in view of Rajkotia and further in view of Nobuhiro (JP 07-030945). This rejection is moot due to the cancellation of these claims.

Applicant believes the foregoing amendments comply with requirements of form and thus may be admitted under 37 C.F.R. § 1.116(b). Alternatively, if these amendments are deemed to touch the merits, admission is requested under 37 C.F.R. § 1.116(c). In this connection, these amendments were not earlier presented because they are in response to the matters pointed out for the first time in the Final Office Action.

Lastly, admission is requested under 37 C.F.R. § 1.116(b) as presenting rejected claims in better form for consideration on appeal.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (310)785-4600 to discuss the steps necessary for placing the application in condition for allowance.

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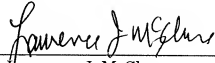
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If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1314.

Respectfully submitted,  
HOGAN & HARTSON L.L.P.

Date: December 9, 2009

By: \_\_\_\_\_

  
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